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Receipt

Dkt. 57453-C/JPW/FHB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Beth Borowsky et al.
U.S. Serial No.: 09/899,732
Filing Date : July 5, 2001
For : DNA ENCODING A HUMAN MELANIN CONCENTRATION
HORMONE (MCH1) AND USES THEREOF

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TECH CENTER 1600/2003

1185 Avenue of the Americas
New York, New York 10036
January 2, 2003

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, D.C. 20231

Sir:

COMMUNICATION TO CORRECT ERROR IN FILING RECEIPT

This Communication is filed to request the issuance of a corrected Filing Receipt in connection with the above-identified application. Upon receipt of the official Filing Receipt for the subject application, a copy of which is attached hereto as **Exhibit A**, applicants' undersigned attorney noticed an error. Specifically, the domestic priority data is incorrectly listed.

A corrected Filing Receipt should have nothing listed under Domestic Priority data.

Applicants contend that the correct data may be found in the Declaration and Power of Attorney filed on May 10, 2002 in connection with the subject application. A copy of the Declaration and Power of Attorney is attached hereto as **Exhibit B**. Accordingly, applicants request that a corrected Filing Receipt be issued.

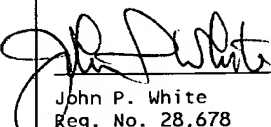


Applicants : Beth Borowsky et al.
U.S. Serial No.: 09/899,732
Filing Date : July 5, 2001
Page 2

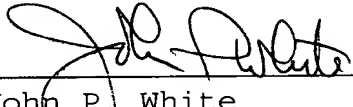
No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account 03-3125.

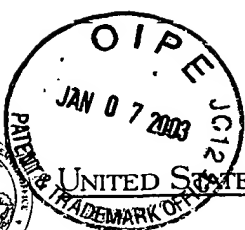
Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Office of Initial Patent Examination Customer Service Center Washington, D.C. 20231.


John P. White
Reg. No. 28,678

1/2/03
Date


John P. White
Registration No. 28,678
Attorney for Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

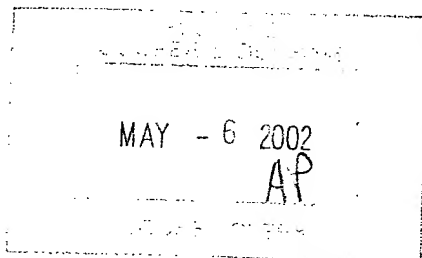


UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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WASHINGTON, D.C. 20231
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| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLAIMS | IND CLAIMS |
|--------------------|-------------|--------------|---------------|------------------------|----------|------------|------------|
| 09/899,732 ✓ | 07/05/2001 | 1645 | 420 | 57453- C/JPW/ADM/PL | 27 | 16 | 2 |

Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036



CONFIRMATION NO. 4135

UPDATED FILING RECEIPT



OC000000007983151

Date Mailed: 04/30/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Beth Borowsky, Montclair, NJ;
Thomas P. Blackburn, Hoboken, NJ;
Kristine Ogozalek, Rochelle Park, NJ;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CIP OF 09/610,635 07/05/2000
WHICH IS A CIP OF PCT/US99/31169 12/30/1999
WHICH IS A CIP OF 09/224,426 12/31/1998 PAT

Foreign Applications

If Required, Foreign Filing License Granted 09/19/2001

Projected Publication Date: 08/08/2002

Non-Publication Request: No

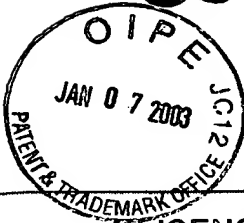
Early Publication Request: No

** SMALL ENTITY **

Title

DNA encoding a human melanin concentrating hormone receptor (MCH1) and uses thereof

Preliminary Class
435



**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**DECLARATION AND POWER OF ATTORNEY**

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

DNA ENCODING A HUMAN MELANIN CONCENTRATING HORMONE RECEPTOR (MCH1)
AND USES THEREOF

*the specification of which:
(check one)*

 is attached hereto.

 X *was filed on* July 5, 2001 *as*

Application Serial No. 09/899,732

and was amended July 5, 2001; December 20, 2001; and
concurrently herewith (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 (a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International Application which designated at least one country other than the United States, listed below. I have also identified below any foreign application for patent or inventor's certificate, or PCT International Application having a filing date before that of the earliest application from which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

| <u>Number</u> | <u>Country</u> | <u>Filing Date</u> | <u>Yes</u> | <u>No</u> |
|---------------|----------------|--------------------|------------|-----------|
| N/A | | | | |
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Applicants: Beth E. Borowsky et al.
U.S. Serial No.: 09/899,732
Filed: July 5, 2001
Exhibit 2



Declaration and Power of Attorney

Page 2

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

| <u>Provisional Application No.</u> | <u>Filing Date</u> | <u>Status</u> |
|------------------------------------|--------------------|---------------|
| N/A | | |
| | | |
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I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States Application(s), or Section 365(c) of any PCT International Application(s) designating the United States listed below. Insofar as this application discloses and claims subject matter in addition to that disclosed in any such prior Application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56, which became available between the filing date(s) of such prior Application(s) and the national or PCT international filing date of this application:

| <u>Application Serial No.</u> | <u>Filing Date</u> | <u>Status</u> |
|-------------------------------|--------------------|---------------|
| N/A | | |
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| | | |
| | | |

And I hereby appoint

John P. White (Reg. No. 28,678); Christopher C. Dunham (Reg. No. 22,031); Norman H. Zivin (Reg. No. 25,385); Jay H. Maioli (Reg. No. 27,213); William E. Pelton (Reg. No. 25,702); Robert D. Katz (Reg. No. 30,141); Peter J. Philips (Reg. No. 29,691); Wendy E. Miller (Reg. No. 35,615); Richard S. Milner (Reg. No. 33,970); Roberto T. Maldonado (Reg. No. 38,232); Paul Teng (Reg. No. 40,837); Richard F. Jaworski (Reg. No. 33,515); Pedro C. Fernandez (Reg. No. 41,741); Gary J. Gershik (Reg. No. 39,992); Spencer H. Schneider (Reg. No. 45,923); Alan J. Morrison (Reg. No. 37,399); Alan D. Miller (Reg. No. 42,889); and Frank Bruno (Reg. No. 46,583)

and each of them, all c/ Cooper & Dunham LLP, 1185 Avenue of the Americas, New York, New York 10036, my attorneys, each with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, to transact all business in the Patent and Trademark Office connected therewith and to file any International Applications which are based thereon under the provisions of the Patent Cooperation Treaty.



Declaration and Power of Attorney

Page 3

Please address all communications, and direct all telephone calls, regarding this application to:

John P. White Reg. No. 26,678

Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
Tel. (212) 278-0400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first joint inventor Thomas P. Blackburn

Inventor's signature TP Blackburn

Citizenship United Kingdom Date of signature Jan 21, 2002

Residence 1 Fourteenth Street, Apt. 412, Hoboken, NJ 07030, USA

Post Office Address same as residence address

Full name of joint inventor (if any) Beth Borowsky

Inventor's signature Beth Borowsky

Citizenship U.S.A. Date of signature Jan 15, 2002

Residence 218 Park Street, Montclair, NJ 07042, USA

Post Office Address same as residence address

Full name of joint inventor (if any) Kristine Ogozalek

Inventor's signature Kristine Ogozalek

Citizenship USA Date of signature 1/15/02

Residence 25 Durand Place, Rochelle Park, NJ 07662, USA

Post Office Address same as residence address



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| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-------------|-----------------------|------------------------|
| 09/899,732 | 07/05/2001 | Beth Borowsky | 57453-C/JPW/ADM/PL |

CONFIRMATION NO. 4135

Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036



OC000000009355836

Date Mailed: 01/09/2003

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Domestic Continuity and Foreign Priority

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- ☐ The priority or continuity claim has not been entered because it was not filed during the required time period. Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55 or 1.78.
- ☐ Continuity claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification.
- ☐ A claim for priority cannot be made based on an application filed after the application making the claim.
- ☐ Domestic benefit and foreign priority claims will not be captured in a provisional application. A provisional application is not entitled to a right of priority or to the benefit of an earlier filing date of any other application. See 35 U.S.C. § 111(b)(7) and 37 CFR 1.53(c)(4).
- ☐ A domestic continuity claim cannot be made to a foreign application and the filing receipt will only list the foreign country, application number, and filing date.
- ☐ Foreign priority will appear on the Filing Receipt in the following order:
Country, Application number, Filing date.
- ☐ This application is the result of a conversion from a provisional application. Priority based on such application cannot be made since it no longer exists as a provisional application.
- ☐ The application(s) to which priority is claimed were filed over a year prior to the filing date of this application. Therefore, the referenced application(s) cannot be claimed as domestic or

TECH CENTER 1600/2900

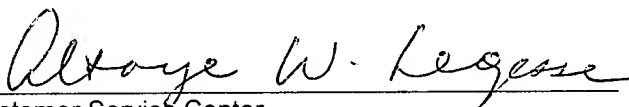
JAN 31 2003

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— foreign priority.

☒ To change the benefit claim of a U.S. prior-filed application, applicant must amend the first sentence of the specification (if the benefit claim is referenced in the specification), or provide a supplemental application data sheet (ADS) (if the benefit claim was submitted in an ADS), with the desired benefit claim. Note that once a benefit claim is deleted, applicant will not be able to claim such prior-filed application again, if the above-identified application was filed on or after November 29, 2000.

☐ To change a foreign priority claim, applicant must submit a supplemental oath or declaration (if the priority claim is referenced in the oath or declaration), or a supplemental application data sheet (ADS) (if the priority claim was submitted in an ADS), with the desired priority claim. If a supplemental ADS is submitted, any deletions should be shown with strikeouts. Note that once a priority claim is deleted, applicant will not be able to claim such foreign application again, if the above-identified application was filed on or after November 29, 2000.


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